



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,190	11/16/2001	John J. Daniels	14531.71.4.2	7006

7590 07/24/2003

Rick D. Nydegger
WORKMAN NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER

LEE, Y YOUNG

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 07/24/2003

!!

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,190

Applicant(s)

John J. Daniels

Examiner

Y. Lee

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 12, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Feb 12, 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2613

DETAILED ACTION

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 2/12/03 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

3. The disclosure is objected to because of the following informalities: the amendment to the Specification filed 2/12/03, paper number 10, has not been entered because the paragraph numbers do not match those of the original Specification. In particular, the original Specification ends with paragraph [0138]. However, the amendment begins with paragraph [0142].

Appropriate correction is required.

Art Unit: 2613

Claim Objections

4. Claims 33-38 are still objected to because of the following informalities: line 1, "31" should be changed to --32--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1-13, 18-22, and 24-38 are also rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al (6,388,714) for the same reasons as set forth in Section 7 of the last office action, paper number 5, dated 10/18/02.

With respect to the newly amended limitations, Schein et al already discloses displaying television programs, hyperlinks and corresponding data at the interactive television system (Fig. 12); and pausing the display of a television program 410 that is displayed at the television system in response to a selection of a hyperlink that is displayed with the television program.

Art Unit: 2613

Applicant also asserts on page 14 of the Remarks that Schein et al fails to illustrate a pause button on the remote control. However, it is submitted that one of ordinary skill in the art would have had no difficulty in realizing that the pause function is inherently included in a remote control.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Intel Intericast Technologies in view of Nakata et al (5,426,534).

Although Intel Intericast Technologies discloses substantially the same interactive computer system that is configured for displaying television programs, hyperlinks and corresponding data at the interactive television system, it is noted Intel Intericast Technologies differs from the present invention in that it fails to particularly disclose any VCR functions as specified in claims 1-38. Nakata et al however, in Figures 2-9, teaches the concept of such well known method of pausing the display of a television program 16 that is displayed at the television system.

Art Unit: 2613

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Intel Intericast Technologies and Nakata et al before him/her, to exploit the common pause function of a television system as taught by Nakata et al in the interactive television system of Intel Intericast Technologies in order to avoid missing any part of the television program.

9. Claims 1-38 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al in view of Nakata et al (5,426,534).

Assuming arguendo that the remote control 410 of Schein et al can not be used to pause the television program being displayed at the television system, Nakata et al however, in Figures 2-9, teaches the concept of such well known method of pausing the display of a television program 16 that is displayed at the television system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Schein et al and Nakata et al before him/her, to exploit the common pause function of a television system as taught by Nakata et al in the VCR 430 of Schein et al in order to avoid missing any part of the television program.

Response to Arguments

10. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2613

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED
PROCEDURE")

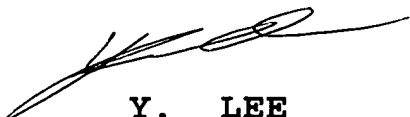
Art Unit: 2613

(for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Or:

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Y. Lee whose telephone number is (703) 308-7584.



Y. LEE
PRIMARY EXAMINER

Y. Lee/yl
July 22, 2003